

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VINCENT MARINO,

Plaintiff,

08cv1249

ELECTRONICALLY FILED

v.

JOHN MOOK, *City of Pittsburgh Detective,*
Defendant # D 3510 and
JAMES JOYCE, *City of Pittsburgh Detective,*
Defendant # G 3425,

Defendants.

ORDER OF COURT

On November 25, 2008, this Court issued a Response and Briefing Order regarding Defendants' Motion to Dismiss pursuant to Fed.R.Civ.P. 12(b)(6) (doc. no. 38), converting said motion to dismiss into a Rule 56 motion for summary judgment pursuant to Fed.R.Civ.P. 12(d), directing plaintiff to file his response and separate brief in opposition to defendants' converted motion to dismiss on or before December 23, 2008, and directing defendants to file any reply thereto on or before January 5, 2009. The Scheduling Order also noted that plaintiff attached to his complaint numerous documents from his criminal proceedings in the Court of Common Pleas of Allegheny County, and indicated that he could refer to any or all of those documents in his response and, additionally, that he could supplement the record with other exhibits he may wish to include in his response and brief in opposition to the motion to dismiss.

Plaintiff, acting pro se, now has filed a "Motion for Request for Oral Argument and to Adjourn" (doc. no. 41) in which he seeks oral argument on defendants' motion to dismiss and requests the Court to "fix [an] Adjournment date for their date of rendering [an] Order and Decision on the motion matters if arguments are after January 5, 2009."

It is not this Court's practice to conduct oral argument on motions to dismiss, and this case presents no unusual factual or legal matters that would warrant deviation from the norm. To the contrary, there is nothing in plaintiff's Motion for Request for Oral Argument and to Adjourn that cannot be addressed fully and adequately in his written response and brief in opposition, and the Court does not agree with plaintiff that oral argument in this case would be beneficial to plaintiff or would assist this Court in understanding the facts and circumstances or the narrow legal issue presented. Moreover, if the Court's review of the written filings proves inadequate to resolve the issue at this time or that the issue is not ripe, the Court would likely deny the motion and allow the case to proceed to mediation, discovery, subsequent dispositive motions for summary judgment and trial.

Accordingly, plaintiff's "Motion for Request for Oral Argument and to Adjourn" (doc. no. 41) is DENIED.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

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PRO SE PLAINTIFF